

REMARKS

Claims 1-14 and 16-51 are currently pending in the application. Claims 1, 13, 21, 23, 31, 38, 40-41 and 44-45 have been amended without acquiescence in the Office Action's basis for rejections or prejudice to pursue in a related application. No new matter has been added. Support for the amendment can be found at least on page 13, lines 3-13 and page 54, lines 1-22.

CLAIM REJECTIONS -35 USC 101

Claims 13-14, 16-30 and 38-44 are rejected under 35 USC 101, as being allegedly directed to non-statutory subject matter. Applicants respectfully disagree. The claims have been amended for clarity. Therefore, this rejection is now moot.

CLAIM REJECTIONS -35 USC 112

Claims 38-44 are rejected under 35 USC 112, second paragraph, as being allegedly indefinite. The claims have been amended to remove means plus function language. Thus, Applicants respectfully request this rejection to be withdrawn.

CLAIM REJECTIONS -35 USC 103

All pending claims have been rejected under 35 USC 103(a) as being unpatentable over Robertson et al. (USP 5,631,635) in view of Smith et al. (USP 6,282,564).

Claim 1, and similarly claims 13, 21, 23, 31, 38 and 45, explicitly recites "wherein the multiple consumers access the same information records in the same prescribed order and the consumer does not have to wait for any others to finish a transaction before the consumer can begin the transaction on the same information records" (emphasis added).

Robertson is directed to a two way pager that utilizes a tracking table. The paging messages of Robertson are tracked by the tracking table. Robertson does not disclose or suggest at least multiple consumers accessing the same records of the message queue in the same prescribed order for the message. Robertson alerts a user of a page message for the user based

on comparing the user's device address and stored address. Therefore, Robertson does not allow other users' devices having different addresses to access the page message. Accessing by one user and device is not the same as multiple consumers accessing the same record. Thus, Robertson does not disclose "wherein the multiple consumers access the same information records in the same prescribed order and the consumer does not have to wait for any others to finish a transaction before the consumer can begin the transaction on the same information records" (emphasis added).

Smith is directed to method of maintaining database records. The Office action states Smith teaches updating history record. Smith is silent with respect to multiple consumers accessing the same records of the message queue in the same prescribed order for the message. Smith teaches communicating information to a receiver at a destination address 40. Thus, the same record is not accessed by multiple consumers because it is addressed to a specific destination address. Therefore, Smith also does not disclose "wherein the multiple consumers access the same information records in the same prescribed order and the consumer does not have to wait for any others to finish a transaction before the consumer can begin the transaction on the same information records" (emphasis added).

Therefore, Robertson and Smith, singly or in combination, fail to teach or suggest the claimed invention as a whole.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OID-1998-015-01. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number OID-1998-015-01.

Respectfully submitted,

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